REMARKS

Reconsideration of the application is respectfully requested.

Claims 1-8 are in the application. Through this amendment, claims 1, 5, 6 and 8 have been amended.

In the Official Action, the Examiner noted that the Information Disclosure Statement filed on April 4, 2005 failed to include a copy of FR 2 750 051 A. Submitted herewith is a copy of the cited French reference for review by the Examiner.

The Examiner also noted in the Official Action that no reference to the prior application is included as a first sentence of the Specification. It is respectfully submitted that the subject application is a 371 National Stage Application and not an application under 35 U.S.C. 119(e), 120, 121, or 365(c) which claims priority to a parent PCT application. (See, MPEP §1893.03 *et seq.*; see also MPEP p. 1800-199, ("[I]t is not necessary for the applicant to amend the first sentence(s) of the specification to reference the international application number that was used to identify the application during international processing of the application by the international authorities prior to commencement of the national stage.")). It is respectfully submitted that the priority claim in the subject application is proper and complete.

The Examiner objected to the drawings, particularly Fig. 2. More particularly, in Fig. 2, the Examiner noted that reference numeral 41 lacks a lead line and that reference numerals 21 and 27 of Fig. 2 are not clear. In response, attached hereto is a replacement sheet which includes Fig. 2 having rewritten reference numerals 21 and 27 and a lead line for reference numeral 41. It is respectfully submitted that, as amended, the drawings are in accord with standard U.S. practice.

The Examiner objected to the Specification on two grounds. First, the Examiner asserted that the Abstract contains "legal phraseology" and indicated that correction is required. It is respectfully submitted that it is unclear what needs to be corrected in the Abstract. Second, the Examiner objected to the Specification indicating that reference character 15 "is used for a circular ring in line 33 of page 4 and for a distal rib in line 19 of page 5." In response, at page 4, the term "circular ring" has been amended to --circular rib--. It is respectfully submitted that, as amended, the Specification is in accord with standard U.S. practice.

The Examiner objected to claims 1-5 on the basis that the terms "said means for holding the needle in position" and "said means of holding the container in position" lack antecedent basis. Claim 1 has been amended to provide the proper antecedent basis. The Examiner also objected to claims 6-8 as being improper multiple dependent claims which depend from other

multiple dependent claims. Claims 5, 6 and 8 have been amended to avoid improper dependency. It is respectfully submitted that the claim objections have been overcome.

In the Official Action, the Examiner rejected claims 1-5 as being allegedly anticipated by Barker et al. (U.S. Patent No. 6,569,115).

Barker et al. is directed to a pre-filled retractable needle injection device which includes a plug 64 and a needle 50. As shown in Figs. 2 and 3 of Barker et al., the plug 64 is initially wholly intact. During use, as shown in Figs. 4 and 5, the plug 64 is pierced by the needle 50 to provide access to drug contained on the other side of the plug 64.

Claim 1 is directed to a device for injecting a product which includes "a body housing a hollow injection needle and a container containing the injectable product." The device also includes "a piston engaged in the container" which has a "first configuration" where "it closes the container in such a way as to isolate the product from the environment outside the container" and "a second configuration" where "it allows the product to pass out of the container". Claim 1 also states that "the piston is spaced from, and not in contiguous contact with, the needle with the piston being in the second configuration or position". In contrast to claim 1 of the subject application, Barker et al. requires the needle to pierce and be in contiguous contact with the plug 64 to allow the drug product to pass out of the container — as such, Barker et al. requires the

needle to be in contiguous contact with the plug 64 in a state equivalent to the claimed "second configuration". With the subject application, the plunger is not in contact with the needle in the second configuration. It is respectfully submitted that claim 1, along with dependent claims 2-8, are patentable over Barker et al.

Favorable action is earnestly solicited. If there are any questions or if additional information is required, the Examiner is respectfully requested to contact Applicant's attorney at the number listed below.

Respectfully submitted,

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